

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAUL LEWIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-11-712-M
)	
GOVERNMENT EMPLOYEES)	
INSURANCE CO.,)	
)	
Defendant.)	

ORDER

Before the Court is plaintiff's Combined Application for Order of Partial Dismissal with Prejudice and Motion to Remand, filed September 16, 2011. On September 20, 2011, defendant filed its response, and on September 27, 2011, plaintiff filed his reply.

In his application, plaintiff moves to dismiss with prejudice the portion of his complaint seeking recovery for bad faith and punitive damages, leaving pending only his claim for breach of his uninsured motorist insurance contract with defendant. Defendant does not object to dismissing plaintiff's bad faith and punitive damages claims. Accordingly, the Court finds that these claims should be dismissed.

In his application, plaintiff also moves to remand this action to the District Court of Oklahoma County for lack of subject matter jurisdiction. Specifically, plaintiff asserts that with the dismissal of his bad faith and punitive damages claims, the amount in controversy is no longer in excess of \$75,000.00, and, thus, this Court no longer has subject matter jurisdiction over this case. However, "events occurring subsequent to removal which reduce the amount recoverable, whether beyond the plaintiff's control or the result of his volition, do not oust the district court's jurisdiction once it has attached." *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 293 (1938).

Accordingly, the Court finds that the dismissal of plaintiff's bad faith and punitive damages claims, even assuming said dismissal results in the \$75,000 amount in controversy requirement no longer being met, does not oust this Court's jurisdiction.¹ The Court, therefore, finds that this case should not be remanded.

For the reasons set forth above, the Court GRANTS IN PART and DENIES IN PART plaintiff's Combined Application for Order of Partial Dismissal with Prejudice and Motion to Remand [docket no. 21] as follows:

- (1) The Court GRANTS plaintiff's application for order of partial dismissal with prejudice and DISMISSES plaintiff's bad faith and punitive damages claims with prejudice, and
- (2) The Court DENIES plaintiff's motion to remand.

IT IS SO ORDERED this 29th day of September, 2011.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE

¹It is undisputed that this Court had subject matter jurisdiction when defendant removed this case to this Court.